UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

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RICHARD HYLLAND,

CIV. NO. 16-4060

Plaintiff,

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RUSSELL FLAUM,

Defendant.

DEFENDANT'S RULE 12(b)(2) MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION OR, IN THE ALTERNATIVE, TO TRANSFER PURSUANT TO 28 U.S.C. §1404(a)

Defendant Russell Flaum ("Flaum"), by his attorneys, Woods Fuller Shultz & Smith, P.C., and Schoenberg, Finkel, Newman & Rosenberg, LLC, respectfully files this motion to dismiss this action for lack of personal jurisdiction pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure or, in the alternative, to transfer this action to the United States District Court for the Central District of California pursuant to 28 U.S.C. § 1404(a). Flaum has filed a separate Brief and the Affidavit of Russell Flaum in support of this Motion is attached hereto as Exhibit A. Pursuant to United States District Court of South Dakota Civil Local Rule 7.1(c), Flaum requests oral argument.

Case No.: CIV. 16-4060

Defendant's Rule 12(b)(2) Motion to Dismiss for Lack of Personal Jurisdiction or, in the Alternative, to Transfer Pursuant to 28 U.S.C. 1404(a)

Dated this 31st day of May, 2016.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/ Jennifer L. Van Anne

Jennifer L. Van Anne 300 South Phillips Avenue, Suite 300 Post Office Box 5027 Sioux Falls, SD 57117-5027 Phone (605) 336-3890 Jennifer.VanAnne@woodsfuller.com

SCHOENBERG, FINKEL, NEWMAN & ROSENBERG, LLC

G. Terence Nader Norman T. Finkel 22 South Riverside Plaza, Suite 2100 Chicago, IL 60606-6101 (312) 648-2300 Terry.Nader@sfnr.com Norm.Finkel@sfnr.com

ATTORNEYS FOR DEFENDANT

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